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General and complete disarmament

Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

Addendum**

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* A/59/50 and Corr.1.
** These replies were received after the submission of the main report.

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II. Replies received from Member States

The Netherlands*

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[9 September 2004]

1. At the fifty-eighth session of the General Assembly, the States members of the European Union aligned themselves with the consensus on General Assembly resolution 58/48, entitled "Measures to prevent terrorists from acquiring weapons of mass destruction".

2. The States members of the European Union hereby wish to provide the following common reply to paragraph 4 of the resolution, in which the Assembly requested the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction, to seek the views of Member States on additional relevant measures for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its fifty-ninth session.

3. The European Union underlines that the proliferation of weapons of mass destruction and means of delivery, such as ballistic missiles, is a growing threat to international peace and security. The European Union has also recognized that the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new critical dimension to this threat.

4. Recent terrorist attacks have proved to the world that international security is indivisible. No State on its own can keep its territory or people safe from the scourge of terrorists, terrorist groups or the threat of their access to weapons of mass destruction. The security and stability of the international community are being challenged, both globally and regionally, by the growing risks brought about by the proliferation of weapons of mass destruction and their means of delivery.

5. As emphasized in the European Union's Strategy Against Proliferation of Weapons of Mass Destruction, adopted at the European Council in December 2003, the European Union stresses that non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non-State actors gaining access to weapons of mass destruction (nuclear, biological and chemical), radioactive materials and means of delivery. Implementation of the Strategy therefore includes working for the universalization and, where necessary, strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation.

6. Integral to the Strategy is our conviction that a multilateralist approach to security, including disarmament and non-proliferation, provides the best way to maintain international order. The European Union welcomes and strongly supports Security Council resolution 1540 (2004), which addresses the problem of the potential acquisition of nuclear, chemical or biological weapons or materials by non-State actors.

* On behalf of Member States that are members of the European Union.

7. The European Union is deeply convinced that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is and will continue to be the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament under article VI. As such, the NPT establishes fundamental non-proliferation norms that reinforce international efforts to prevent terrorists from acquiring weapons of mass destruction. The European Union considers that the Chemical Weapons Convention is, in turn, a unique disarmament and non-proliferation instrument, whose strict application must be fully guaranteed also with regard to the terrorist threat. The Biological and Toxin Weapons Convention is a cornerstone in the efforts to prevent biological agents and toxins from being used as weapons. The European Union supports and promotes wholeheartedly the implementation of the objectives laid down in these treaties, as well as all the efforts in relevant bodies and organizations, including the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, to strengthen the fight against terrorists seeking to acquire weapons of mass destruction. In this context, the European Union considers the Hague Code of Conduct an important instrument against the proliferation of ballistic missiles and promotes its universalization.

8. The European Union underlines that export controls, which help prevent terrorists from acquiring weapons of mass destruction, need to be strengthened. The European Union therefore is working to strengthen export control policies and practices in coordination with partners of the export control regimes and is advocating, where applicable, adherence to effective export control criteria by countries outside the existing regimes and arrangements. The European Union also strongly endorses the need to enhance the security of proliferation-sensitive materials and technologies. The European Union supports efforts to strengthen identification, control and interception of illegal trafficking of weapons of mass destruction-related material.

9. The European Union supported and welcomed the inclusion of an anti-terrorist clause in each of the export control regimes. The European Union also welcomes efforts in other such forums as the G-8 to prevent terrorists or those that harbour them from acquiring or developing weapons of mass destruction, missiles and related equipment and technology. Terrorists seeking to acquire weapons of mass destruction would probably also seek to acquire the technical know-how required to use them. In this regard, the European Union supports efforts aimed at assisting the conversion of weapons of mass destruction scientists to peaceful activities and preventing "brain drain" to terrorist groups.

10. The European Union calls upon all States to take and enforce effective measures to address the problem of diversion and trafficking in weapons of mass destruction materials, in particular with a view to preventing the acquisition of weapons of mass destruction by non-State actors.

India

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[14 September 2004]

India first introduced this resolution during the fifty-seventh session of the General Assembly to give expression to the widely shared concern of the international community about the dangers posed by the risk of terrorists getting access to the weapons of mass destruction or related materials and technology. In recognition of this threat, the resolution aims at underlining the need to deal with it at the national, regional and global levels.

As a victim of terrorism for more than two decades, India understands the dangers that the transfer of such weapons of mass destruction to non-State actor could entail. It is this realization that prompted India to pilot the resolution entitled "Measures to prevent terrorist from acquiring weapons of mass destruction", adopted by consensus by the last two sessions of the General Assembly. Its adoption without a vote is a measure of the widespread support, reflective in turn of the shared concern of the international community and its determination to fight terrorism and its linkages with weapons of mass destruction.

Speaking at the General Assembly last year, our Prime Minister had expressed particular concern at the various revelations about clandestine transfers of weapons of mass destruction and their technologies and the frightening prospect that we face of these weapons and technologies falling into the hands of terrorists. The revelations during the last year only prove that this is a clear and present danger.

The United Nations Security Council has also focused its attention on the subject, leading to the adoption of resolution 1540 (2004). India supports the main objective of resolution 1540 (2004), which is in line with our resolution in the General Assembly. We perceive it as a logical continuation of the process initiated in the General Assembly. However, the focus on "non-State actors" should in no way diminish State accountability in combating terrorism, in eliminating its support infrastructure or linkages with weapons of mass destruction. As in the case of terrorism, State accountability cannot be absolved on grounds that proliferation was the result of private enterprise. It would be a paradox if individual State actions, condone instances of proliferation or reward proliferate States by other means.

India has been supportive of all international efforts, particularly in the United Nations, to combat terrorism. India has sponsored a comprehensive convention on international terrorism to provide a comprehensive legal framework to combat terrorism. We also support the Russian draft proposal for an international convention for the suppression of nuclear terrorism. We have also expressed our support for the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources. These measures are important in consolidating and further strengthening international efforts against terrorism — which would also help the cause of preventing terrorists from acquiring weapons of mass destruction.

We are strengthening our capacity to deal with all types of disasters, including attacks by terrorists involving weapons of mass destruction. Discussions are also taking place with a large number of countries to increase cooperation in combating terrorism in all its aspects.

As a matter of national policy, conscious of its responsibilities arising from the possession of advanced technologies, India is committed to an effective and comprehensive system of export controls to deny unlawful access, whether to States or non-State actors. Our national effort is based on a policy anchored on a considered decision to prohibit or control export of weapons of mass destruction-usable materials, equipment or technologies or their delivery systems.

The evolving nature of threats and their manifestations require a truly multilateral approach consistent with the Charter of the United Nations and international law. Revelations, particularly those in the last year, have thrown the spotlight once again on the inadequacies of the current regime. In our view, the issue should ideally be addressed through existing international instruments, such as the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, the only two non-discriminatory, disarmament treaties, which provide for international cooperative efforts for assistance and protection against these mass destruction weapons.

The global ramifications of such threats are unlikely to dissipate in the near future. No country can claim to be immune from the reach of terrorism. The international community will have to be united in sustaining and persevering with its collective campaign to root out this menace. In order to achieve this aim, it is necessary that the mutually reinforcing linkages between non-proliferation and disarmament are not lost sight of. International treaties or agreements in this field should be multilaterally negotiated. They should be based on a balance of obligations to ensure universal adherence — the true test of legitimacy and credibility.

Multilateral and regional efforts

The Final Document of the 14th ministerial meeting of the Non-Aligned Movement, held in August 2004, noted with satisfaction the consensus among States on measures to prevent terrorists from acquiring weapons of mass destruction. They welcomed the adoption by consensus of General Assembly resolution 58/48 and underlined the need for this threat to humanity to be addressed within the United Nations framework and through international cooperation.

Other groups and organizations have in their deliberations taken into account the risks of weapons of mass destruction falling into the hands of terrorists and the need for international cooperative efforts to deal with it. The Association of South-East Asian Nations Regional Forum, at its 11th ministerial meeting, adopted a statement on proliferation which calls for strengthening of the cooperative measures to tackle this threat. The G-8 summit, held in Sea Island, United States of America, and the United States-European Union summit, held in Dromoland Castle, in Ireland, also adopted statements on the subject.

To sum up, we believe that forward-looking multilateral approaches, pooling together the efforts and resources of the international community, are required to evolve a new international consensus on non-proliferation and disarmament and meet the new challenges.